

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/736,359	THOMSEN ET AL.	
	Examiner	Art Unit	
	Anjan K. Deb	2858	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/11/2005 and Terminal Disclaimer filed 10/18/2005.
2. ☒ The allowed claim(s) is/are 11-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application.(PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____  |

*Anjan K Deb*

Anjan K Deb  
Primary Examiner  
Art Unit: 2858

### **DETAILED ACTION**

1. This office action is in response to amendment filed 10/11/2005 and Terminal Disclaimer filed 10/18/2005.

#### ***Allowable Subject Matter***

2. Claims 11-22 are allowed.

#### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of the claims 11-16 is the inclusion of an Harley Davidson type engine having a timing port in a crankcase and a timing mark indicative of a position of a movable member viewable through the timing port, wherein the timing port includes threads and a sensor assembly threadably secured in the timing port.

The primary reason for allowance of the claims 17-22 is the inclusion of securing a support tube proximate the timing port, and inserting a sensor assembly into the support tube housing and adjustably securing the sensor assembly to the support tube where a sensor is positioned to detect presence of the timing mark through the timing port in a method of preparing a Harley Davidson type engine.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carpenter (US 6,874,473 B2) discloses prior art method and apparatus of sensing crankshaft speed and/or position mounted in an engine 10 having crankcase comprising sensors associated with crankshaft 16 of engine 10, such as optical or variable reluctance sensors, which measure the speed and/or position of the crankshaft (Fig. 1).

Nagatsu (US 6,742,502 B2) discloses motorcycle (Fig. 3) engine timing control method and apparatus comprising position sensor 25 mounted in engine crankcase 22 for locating the position of crankshaft that is driven by the engine in timed relation (Fig. 1). Nagatsu also disclosed rotational position sensor 72 associated with the flywheel 71 and specifically with a timing mark 73 affixed to its outer peripheral surface (Fig. 4).

Suzuki (US 5,553,590) discloses engine speed sensor comprising speed signal 81, which is generated from an input received from a crankshaft sensor mounted in engine crankcase 16 (Fig. 1).

None of the above cited references disclose or fairly suggest Harley Davidson type engine having a timing port in a crankcase and a timing mark indicative of a position of a movable member viewable through the timing port, wherein the timing port includes threads and a sensor assembly threadably secured in the timing port.

None of the above cited references disclose or fairly suggest the claimed method of preparing a Harley Davidson type engine comprising securing a support tube proximate the

Art Unit: 2858

timing port, and inserting a sensor assembly into the support tube housing and adjustably securing the sensor assembly to the support tube where a sensor is positioned to detect presence of the timing mark through the timing port.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Anjan K. Deb whose telephone number is 571-272-2228. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lefkowitz Edwards can be reached at 571-272-2180.



**Anjan K. Deb**

Primary Patent Examiner

Art Unit: 2858

10/25/05

Tel: 571-272-2228

E-mail : [anjan.deb@uspto.gov](mailto:anjan.deb@uspto.gov)